

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL RICHARD BAY,

Defendant.

MEMORANDUM DECISION AND  
ORDER GRANTING DEFENDANT’S  
MOTION FOR EARLY  
TERMINATION OF PROBATION

Case No. 2:10-CR-112 TS

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This matter is before the Court for consideration of Defendant’s Motion for Early Termination of Probation.<sup>1</sup> For the reasons discussed below, the Court will grant Defendant’s Motion.

I. BACKGROUND

On February 17, 2010, a one-count indictment was brought against Defendant.<sup>2</sup> The Indictment charged Defendant with a violation of 18 U.S.C. § 922(g)(1), felon in possession of a

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<sup>1</sup>Docket No. 79.

<sup>2</sup>See Docket No. 1.

firearm. On August 20, 2010, Defendant entered a plea of guilty to Count I of the Indictment. Defendant was sentenced to 60 months' probation on November 8, 2010.

Defendant now moves to terminate his probation. The Government does not object to Defendant's Motion.

Defendant has completed more than 30 months of his 60-month term of probation. In his Motion, Defendant indicates that he has: (1) complied with all the requirements of his probation; (2) successfully completed his time in the halfway house without any writeup or conflicts with residents or staff; (3) maintained employment; and (4) taken the tests for and received his Utah General Contractor's License. In a prior motion for early termination, Defendant indicated that he is seeking early termination of his probationary term because his mother recently passed away and Defendant desires to be re-baptized and re-join full membership in his church. Consultation with Defendant's supervising officer confirms that Defendant has remained compliant with the terms of his probation.

## II. DISCUSSION

18 U.S.C. § 3564(c) permits the Court to terminate a term of probation at any time after a defendant has completed at least one year of probation, but prior to completion of the entire term, if the Court is satisfied that such action is (1) warranted by the conduct of an offender and (2) is in the interest of justice. In making this determination, the Court is directed to consider the factors set forth in 18 U.S.C. § 3553(a), to the extent they are applicable.

Having considered the § 3553(a) factors, reviewed the docket and case file, and consulted with Defendant's supervising officer, the Court finds that early termination of Defendant's term

of probation is warranted and in the interest of justice. The Court notes with approval Defendant's good conduct while on probation and encourages Defendant to continue on the same path of self-improvement once outside the structure of Court-enforced supervision.

### III. CONCLUSION


It is therefore

ORDERED that Defendant's Motion for Early Termination of Probation (Docket No. 79) is GRANTED. It is further

ORDERED that Defendant's term of probation shall be terminated effective immediately and this case shall be closed. The Clerk of Court is instructed to release Defendant's passport, which has been held by the Court as a provision of Defendant's term of probation.

DATED June 10, 2013.

BY THE COURT:

  
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TED STEWART  
United States District Judge